

REMARKS

Claim 28 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Tasaki in view of Snyder and Griesmer. Claim 28 is directed toward a calling card. The calling card includes a memory having stored therein a predetermined message for substitution in place of the respective caller ID value of a telephone at which the calling card is used.

In the Office Action, the Examiner concedes that Tasaki fails to clearly teach the aforementioned. In the Appeal Brief dated February 10, 2004, it was argued that Snyder also fails to disclose a calling card with a memory having stored therein a predetermined message for substitution in place of the respective caller ID value of a telephone at which the calling card is used. Rather, Snyder supplements the caller ID value. *See*, Appeal Brief dated 02-10-2004 (arguments incorporated herein by reference).

Prosecution of the above-referenced application was reopened after appeal. In the present Office Action it was indicated that the arguments on appeal were considered persuasive. From this, it is gathered that the Examiner concedes that Snyder fails to disclose replacement of the caller ID value of a telephone with a predetermined message that is stored in the memory of a calling card.

In the present Office Action, Griesmer is relied on as teaching a calling card having stored therein a caller's identification. However, the caller's identification on Griesmer's smart card does not replace the caller ID value of the telephone that the card is read from. That is, to the extent that a predetermined message is stored on the smart card of Griesmer, the cited passages fail to disclose substitution in place of the caller ID value of the universal telephone where the smart card is being used.

For example, with respect to independent claims 34 and 40, the Examiner specifically cites to column 4, lines 47-67 of Griesmer as teaching replacement of the caller ID value for the telephone at which the calling card is used. In this passage, a memory 202 of a universal telephone 66 is discussed. *See*, Figure 2. A smart card 320 may be inserted into a universal telephone 66. The card is read to obtain the caller's home country field 232, the caller's identity field 231, and other calling information from the field 233 for authentication, billing and personal preferences that the card user has for configuration of the universal telephone 66. 6:9-21. Thus, information from the card is loaded into the memory 202 of the universal telephone

66. 4:43-49. The memory of the universal telephone also includes information regarding the universal telephone 66 including local country code 241 and Plain Old Telephone System (POTS) number 242. 4:50-59; Figure 2. In use, the local country code 241 and POTS number 242 are moved from one location in the memory to the calling number field 222 of the request message. 6:38-41. Thus, the caller's identification (and other information) and telephone number for the universal telephone 66 are in the memory 202 at the same time. *See also*, 7:10-15. As such, the caller's ID does not replace the universal telephone's information in the memory of the telephone. Thus, none of Tasaki, Snyder nor Griesmer teach or suggest a calling card memory having stored therein a predetermined message for substitution in place of the respective caller ID value of a telephone at which the calling card is used.

Independent claims 34 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Griesmer in view of Snyder. Claim 34 is directed toward a calling card comprising a memory having stored therein a plurality of predetermined messages, one or more of the messages to replace the caller ID value for the telephone at which the calling card is used. Claim 40 is directed toward a calling card comprising a memory having stored therein a plurality of predetermined messages, one or more of the plurality of messages to be received by a recipient communications device in place of the respective caller ID value of a telephone at which the calling card is used.

As discussed in the aforementioned Appeal Brief, Snyder fails to disclose replacement of a caller ID value for the telephone at which a calling card is being used. As discussed above, the caller's ID on Griesmer's smart card does not replace the caller ID value of the universal telephone in the universal telephone's memory. Further, Griesmer fails to disclose a predetermined message received by a recipient communications device in place of the caller ID value of the telephone at which a calling card is used. That is, the cited passages of Griesmer are directed toward the memory of the telephone at which the smart card is being used. Griesmer does not address what messages are received by the recipient telephone. In fact, the Examiner concedes this point. For example, the present Office Action states that Griesmer fails to teach a calling card that allows a caller to be properly identified from a payphone station. Because Griesmer does not teach identification of the caller, he cannot disclose replacement of a telephone's caller ID value with a message at a telephone that is being called. Thus, Griesmer does not cure the deficiencies of Snyder. As neither Griesmer nor Snyder teach all of the

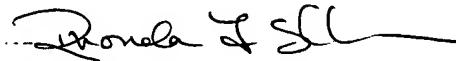
limitations of claims 34 and 40, alone or in combination, *prima facie* obviousness has not been established.

Further, there is no suggestion or motivation to modify Griesmer in view of Snyder. Quite simply, there is no recitation to the prior art i.e., Snyder or Griesmer for the suggestion, motivation, or teaching for the proposed modification.

Because *prima facie* obviousness has not been established with respect to any of the independent claims, claims dependent thereon are also not obvious. Accordingly, the application is believed to be in condition for allowance. The Examiner's prompt action in accordance therewith is respectfully requested.

Respectfully submitted,

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